



M O S K O W I T Z & B O O K , L L P

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November 1, 2018

**VIA ECF and
FIRST CLASS MAIL**

Hon. Deborah A. Batts
United States District Court for the
Southern District of New York
United States Courthouse
500 Pearl Street, Rm. 2510
New York, NY 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>11/6/18</u>

Re: *L & Leung Leatherware Limited v. Collection XIIX Ltd. and Lisa Nunziata*,
No. 1:17-cv-07374-DAB

Dear Judge Batts:

We represent defendant/third-party plaintiff Lisa Nunziata and defendant/counterclaim plaintiff Collection XIIX Ltd. in the above-referenced action. We write on behalf of all counsel to request the Court's approval of a further 30-day extension of the discovery end-date and other pre-trial deadlines originally set forth in the Court's scheduling order dated April 12, 2018 (ECF Doc. 30).

By Order dated September 4, 2018 (ECF Doc. 33), the Court granted the parties' joint August 31, 2018 letter motion (ECF Doc. 32), extending by 60 days the discovery end-date (to November 27, 2018) and other pre-trial deadlines.

Electronic document discovery, which had entailed unforeseen technical delays, has been largely completed to date. The deposition of defendant Nunziata was held on October 29, 2018. The deposition of Drew Pizzo, CEO of defendant Collection XIIX Ltd. is scheduled to proceed on November 13, 2018. The depositions of third-party defendant Andrew Leung, plaintiff L & Leung Leatherware Limited ("L & Leung") by its officer Mark Leung, and a Rule 30(b)(6) deposition of plaintiff's CFO, however, cannot reasonably be completed by the existing November 27, 2018 discovery end-date. Each of those witnesses resides in Hong Kong, and they could not be made available to testify in New York on mutually convenient dates before the week after Thanksgiving.

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Further, absent the depositions of plaintiff L & Leung, a Hong Kong corporation, wherein defendants intend to inquire about L & Leung's business activities in New York at the time of commencement of the action, defendants are not prepared to challenge this Court's jurisdiction, or inform the Court that jurisdiction is not an issue under New York Business Corporation Law Section 1312. Your Honor's order of September 4, 2018 requires defendants to take such action on or before November 16, 2018.

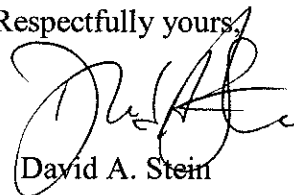
The parties thus respectfully request that, in addition to amending the existing scheduling order to provide a 30-day extension, the deadline for any motion by defendants challenging jurisdiction be extended to December 17, 2018.

We thank the Court for its courtesies in this matter.

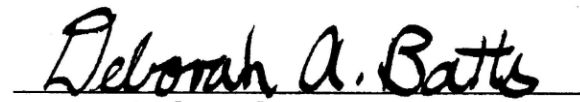
GRANTED.

11/6/2018

Respectfully yours,



David A. Stein



Deborah A. Batts
United States District Judge

cc: Gerry Silver, Esq. (via ECF)